



DAC
\$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Mark R. ALLEN

Patent No. 6,461,019

Application No.: 09/819,736

Issue Date: October 08, 2002

Filed: March 29, 2001

Attorney Dkt. No.: 05211.001

For: PREFERRED EMBODIMENT TO LED LIGHT STRING

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM
FOR THE BENEFIT OF A PRIOR APPLICATION AND
CERTIFICATE OF CORRECTION TO CORRECT 35 U.S.C. § 120 PRIORITY**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAY 03 2006

Sir:

OFFICE OF PETITIONS

In accordance with MPEP 1485, Applicant respectfully requests that the
Commissioner grant the following Petition to issue a Certificate of Correction correcting
the 35 U.S.C. § 120 domestic priority for the above patent for the following reasons:

- (A) all requirements set forth in 37 CFR § 1.78(a)(1) were met in the application
which became U.S. Patent No. 6,461,019;
- (B) the prior co-pending applications to be corrected via Certificate of Correction
were identified in the application papers; namely the specification and the
Inventor Declaration;
- (C) it is clear from the record that priority is appropriate; and
- (D) this grantable petition to accept an unintentionally delayed claim for the benefit of
a prior application includes the surcharge set forth in 37 CFR § 1.17(t).

04/27/2006 HDESTA1 00000082 6461019 1370.00 OP
01 FC:1454

REMARKS

Applicant respectfully requests a Certificate of Correction to correct and clarify the 35 U.S.C. § 120 priority for U.S. Patent 6,461,019.

In the course of litigation in the United States District Court for the District of Minnesota (Case No. 05-CV-660 RHK/JSM), an assertion was made that the § 120 domestic priority for U.S. Patent No. 6,461,019 incorrectly references the prior copending applications pursuant to 37 CFR § 1.78(a)(2). To clarify the priority claim in this '019 Patent pursuant to 35 U.S.C. § 120, Applicant requests that the priority claim be amended/corrected in the following manner:

This application claims benefit under 35 USC § 120 from the following co-pending applications: this application is a continuation-in-part of application Ser. No. 09/378,631 filed Aug. 20, 1999, titled Preferred Embodiment to Led Light String, now abandoned which is a continuation-in-part of application no. 09/339,616 filed June 24, 1999, titled Preferred Embodiment to Led Light String, which is a continuation-in-part of application no. 09/141,914 filed August 28, 1998, now U.S. Patent No. 6,072,280, titled Led Light String Employing Series-parallel Block Coupling, now U.S. Pat. No. 6,072,280, and which is also a non-provisional application claiming benefit under 35 USC § 119(e) of U.S. provisional application no. 60/119,804, filed February 12, 1999. The disclosures of the aforementioned applications are incorporated herein by reference. ~~This application claims benefit of U.S. Provisional Application No. 60/119,804, filed February 12, 1999.~~

1. Applicant submits that all requirements set forth in 37 CFR § 1.78(a)(1) were met in the application which became U.S. Patent No. 6,461,019, because (a) Mark

Allen was named as an inventor in all applications in the following chain of pending applications, and (b) co-pendency exists between all applications listed in the amended priority claim:

- U.S. provisional application no. 60/119,804 was filed February 12, 1999;
- U.S. application no. 09/141,914 was filed August 28, 1998 and was issued as U.S. Pat. No. 6,072,280 on June 06, 2000;
- U.S. application no. 09/339,616 was filed June 24, 1999 and was abandoned on September 09, 2003;
- the instant U.S. Patent No. 6,461,019 was filed March 29, 2001.


2. The prior co-pending applications to be corrected via Certificate of Correction were identified in the original application papers and the issued patent; namely the first sentence of the specification and the original Inventor Declaration.
3. It is clear from the record that priority is appropriate because the first sentence of the specification explicitly makes reference to all applications for which domestic priority is being claimed, and the Inventor's Declaration makes a claim under 35 USC § 120 to U.S. application nos. 09/141,914; 09/339,616; and 09/378,631.
4. Applicant hereby declares and states that the entire delay between the date the claim was due and the date the claim was filed was unintentional.

5. This grantable petition to accept an unintentionally delayed claim for the benefit of a prior application includes the surcharge of \$1370.00 set forth in 37 CFR § 1.17(t).

Applicant therefore asserts that U.S. Patent No. 6,830,358 warrants a Certificate of Correction set forth in the attached PTO form PTO/SB/44.

A fee of \$1370.00 is enclosed herewith. . It is noted that Applicant has previously filed a petition and this petition is intended to replace the previous petition; therefore, if the additional fee is not required, the Commissioner is requested to refund the overpayment to deposit account no. 50-0548.

Respectfully submitted:

By: 
Matthew Stavish
Reg. No. 36,286

Liniak, Berenato & White
Suite 240
6550 Rock Spring Drive
Bethesda, MD 20817
301-896-0600
fax 301-896-0607

RECEIVED
MAY 03 2006
OFFICE OF PETITION

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

RECEIVED

MAY 03 2006

OFFICE OF PETITIONS

PATENT NO. : 6,461,019
ISSUED : October 08, 2002
SERIAL NO. : 09/819,736
FILING DATE : March 29, 2001
INVENTOR(S) : ALLEN
TITLE : PREFERRED EMBODIMENT TO LED LIGHT STRING

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below.

Please amend the first paragraph of the specification as follows:

This application claims benefit under 35 USC §120 from the following co-pending applications: this application is a ~~continuation-in-part of application Ser. No. 09/378,631 filed Aug. 20, 1999, titled Preferred Embodiment to Led Light String, now abandoned which is a~~ continuation-in-part of application no. 09/339,616 filed June 24, 1999, titled Preferred Embodiment to Led Light String, which is a continuation-in-part of application no. 09/141,914 filed August 28, 1998, now U.S. Patent No. 6,072,280, titled Led Light String Employing Series-parallel Block Coupling, now U.S. Pat. No. 6,072,280, and which is also a non-provisional application claiming benefit under 35 USC § 119(e) of U.S. provisional application no. 60/119,804, filed February 12, 1999. The disclosures of the aforementioned applications are incorporated herein by reference. ~~This application claims benefit of U.S. Provisional Application No. 60/119,804, filed February 12, 1999.~~

MAILING ADDRESS OF SENDER:
LINIAK, BERENATO & WHITE
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MARYLAND 20817
(301) 896-0600

PATENT NO. 6,461,019